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February 16, 2021

VIA ECF

Honorable James L. Garrity, Jr.
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: Orly Genger, Debtor
Chapter 7 Case No. 19-13895 (JLG)

Dear Judge Garrity:

Our firm is counsel to creditor Arie Genger ("Arie") in the above referenced chapter 7 case. Pursuant to the schedule set at the February 10, 2021 conference, we respectfully submit this letter in opposition to Sagi Genger's July 9, 2020 letter for entry of an order of preclusion and/or negative inference under Fed. R. Civ. P. 37(b)(2) (the "Letter"), (ECF No. 291).

Insofar as the Letter seeks to preclude debtor Orly Genger ("Orly") from contending that her debts to Arie are for legal fees on the basis that Orly had not produced any law firm invoices as of July 9, 2020, we submit that the relief requested should be denied for the following reasons.

First, on August 5, 2020, Lance Harris, who has served as counsel to Orly and Arie for over a decade and is charged with the management and payment of legal invoices on behalf of Orly, produced law firm invoices from ten different law firms reflecting over \$7.5 million in legal fees and costs incurred by Orly since December 2007. Thus, to the extent the Letter is based upon the non-production of law firm invoices, it is now moot.

Second, Arie filed a proof of claim (Claim No. 2) in this case in the amount of \$5.45 million, of which approximately \$5.2 million is attributable to payments Arie made to law firms and other professionals for the benefit of Orly. In support of his Claim and in response to Sagi's discovery demands, Arie has produced contemporaneous payment records and correspondence to substantiate millions of

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dollars of payments that Arie made to these law firms and other professionals for the benefit of Orly.

For reasons set forth herein and the other responses to the Letter, the relief sought by the Letter should be denied.

Respectfully submitted,

TOGUT, SEGAL & SEGAL LLP

By:

/s/ Frank A. Oswald

Frank A. Oswald

cc: All Counsel of Record (via ECF)